FINDINGS OF CONFORMANCE
MULTIPLE SPECIES CONSERVATION PROGRAM
For TM 5423, Settler's Point
ER# 05-14-009
APN (s) 397-210-17, 397-212-01, 397-291-02, -15, -16, -17

April 17, 2009

I. Introduction

The project is a tentative map and rezone for one legal lot in the Lakeside Community, within unincorporated San Diego County. The project site is approximately 21.89-acres in size. The project would split the property into four (4) lots and increase the density to allow a total of 266 dwelling units on the four new lots. The project site is located on the north side of Interstate 8 Business, approximately 250 feet south of Los Coches Road. Access would be provided by a road connecting to I-8 Business to the south and Wellington Hill Drive to the north. The project would be served by sewer provided by the Lakeside Sanitation District and water from the Helix Water district. Earthwork will consist of cut and fill of 218,000 cubic yards of material.

The 21.89 acre site is largely covered by non-native grassland (18.21 acres) but also includes 1.69 acres of Coastal sage scrub and 1.99 acres of developed habitat. Noticeable contour lines on the aerial photograph show that the non-native grassland has been plowed and/or terraced before. The site is in the Metro-Lakeside-Jamul segment of the MSCP. The area of Coastal sage scrub in the northwestern corner of the property is designated as Pre-Approved Mitigation Area (PAMA), qualifying the site as Biological Resource Core Area (BRCA). Although the California gnatcatcher has not been observed on-site, it has been observed on the adjacent property, and is assumed to occur on-site. One other sensitive species, the Cooper's hawk, was observed on-site.

The site was assessed for potential to support Stephen's kangaroo rat (*Dipodomys stephensi*) and San Diego fairy shrimp (*Branchinecta sandiegoensis*) and found to have a low potential due to lack of suitable habitat. The burrowing owl (*Athene cunicularia hypugea*) has a low potential to occur since no burrows were observed on-site.

Eleven sensitive species have a high potential to occur on-site: the afore-mentioned California gnatcatcher (*Poliptila californica*), northern red-diamond rattlesnake (*Crotalus ruber ruber*), orange-throated whiptail (*Cnemidophorus hyperythrus*), San Diego banded gecko (*Coleonux variegatus abbotti*), San Diego ringneck snake (*Diadophus punctatus similes*), silvery legless lizard (*Anniella pulchra pulchra*), Dulzura pocket mouse (*Chaetodipus californicus femoralis*), southern grasshopper mouse (*Onychomys torridus Ramona*), black-shouldered kite (*Elanus caeruleus*), loggerhead shrike (*Lanius ludovicianus*), and turkey vulture (*Cathartes aura*).

The site does not support wildlife corridors due to its surroundings of dense residential development. Although the PAMA in the northwestern corner of the property is part of

the Lakeside Archipelago, there is only a 300-foot opening of undeveloped habitat connecting the site to the Lakeside Archipelago. Wildlife could potentially enter the property through this corner, but this entrance is largely blocked by the existing single-family home, and there is no outlet in any other direction. The established wildlife corridor for the Lakeside Archipelago crosses the I-8 southwest of the project site.

Habitat-based mitigation in conformance with the Biological Mitigation Ordinance (BMO) will mitigate for impacts to Coastal sage scrub, non-native grassland, California gnatcatcher, Cooper's hawk, and other sensitive species with a potential to occur on-site. Impacts to 2.16 acres of Coastal sage scrub (including 0.47 acres off-site) will be mitigated at a 1.5:1 ratio with 3.24 acres of Tier I or II habitat in Crestridge Mitigation Bank or another County-approved mitigation bank within the approved MSCP. Impacts to 20.04 acres of non-native grassland (including 1.83 acres off-site) will be mitigated at a 0.5:1 ratio with 10.02 acres of Tier III habitat in Crestridge Mitigation Bank or another County-approved mitigation bank within the approved MSCP. The 0.5:1 ratio applies to non-native grassland not occupied by burrowing owls. In addition, all brushing, grading, and clearing of Coastal sage scrub or within 300 feet of Coastal sage scrub habitat will be conditioned to occur outside of the California gnatcatcher breeding season, which is defined as occurring between March 1 and August 31. All mitigation measures are spelled out in the Mitigated Negative Declaration for this project. With these mitigation measures, the project will not result in substantial adverse effects, either directly or through habitat modifications, to any candidate, sensitive, or special status species.

Table 1. Impacts to Habitat and Required Mitigation

Habitat Type	Tier Level	Existing On-site (ac.)	On-Site Impacts (ac.)	Off-Site Impacts (ac.)	Mitigation Ratio	Required Mitigation
Coastal sage scrub	II	1.69	1.69	0.47	1.5:1	3.24
Non-native grassland	III	18.21	18.21	1.83	0.5:1	10.02
Developed	IV	1.99	1.99	0.71	0	N/A
Total:	--	21.89	21.89	3.01	--	13.26

The findings contained within this document are based on the County's Geographic Information System (GIS) records, the County's Comprehensive Matrix of Sensitive Species, site photos, a Biological Resources Report dated February 2006 prepared by Robin Church, and an updated project description submitted March 10, 2009 prepared by Elyssa K Robertson. The information contained within these Findings is correct to the best of staff's knowledge at the time the findings were completed. Any subsequent environmental review completed due to changes in the proposed project or changes in circumstance shall need to have new findings completed based on the environmental conditions at that time.

The project has been found to conform to the County's Multiple Species Conservation Program (MSCP) Subarea Plan, the Biological Mitigation Ordinance (BMO) and the Implementation Agreement between the County of San Diego, the CA Department of Fish and Game and the US Fish and Wildlife Service. Third Party Beneficiary Status and the associated take authorization for incidental impacts to sensitive species

(pursuant to the County's Section 10 Permit under the Endangered Species Act) shall be conveyed only after the project has been approved by the County, these MSCP Findings are adopted by the hearing body and all MSCP-related conditions placed on the project have been satisfied.

II. Biological Resource Core Area Determination

The impact area and the mitigation site shall be evaluated to determine if either or both sites qualify as a Biological Resource Core Area (BRCA) pursuant to the BMO, Section 86.506(a)(1).

A. Report the factual determination as to whether the proposed Impact Area qualifies as a BRCA. The Impact Area shall refer only to that area within which project-related disturbance is proposed, including any on and/or off-site impacts.

The northwestern corner of the property is designated as PAMA; therefore, the site qualifies as a BRCA.

B. Report the factual determination as to whether the Mitigation Site qualifies as a BRCA.

The mitigation will occur within Crestridge Mitigation Bank or another County-approved mitigation bank within the MSCP, all of which are within BRCAs.

III. Biological Mitigation Ordinance Findings

A. Project Design Criteria (Section 86.505(a))

The following findings in support of Project Design Criteria, including Attachments G and H (if applicable), must be completed for all projects that propose impacts to Critical Populations of Sensitive Plant Species (Attachment C), Significant Populations of Narrow Endemic Animal Species (Attachment D), Narrow Endemic Plant Species (Attachment E) or Sensitive Plants (San Diego County Rare Plant List) or proposes impacts within a Biological Resource Core Area.

1. Project development shall be sited in areas to minimize impact to habitat.

The whole site will be developed. The Coastal sage scrub habitat cannot be avoided because this area creates the only feasible connection to the existing road network to provide adequate access for this project.

2. Clustering to the maximum extent permitted by County regulations shall be considered where necessary as a means of achieving avoidance.

The project increases density to the maximum extent permitted under County County's existing General Plan. The rezone would essentially permit multi-family densities as allowed under the existing General Plan and proposed

General Plan update. Specific building sites have not been proposed, so clustering will be an option when the site is developed. However, the Coastal sage scrub habitat cannot be avoided because this area creates the only feasible connection to the existing road network to provide adequate access for this project.

3. **Notwithstanding the requirements of the slope encroachment regulations contained within the Resource Protection Ordinance, effective October 10, 1991, projects shall be allowed to utilize design that may encroach into steep slopes to avoid impacts to habitat.**

   The Coastal sage scrub habitat cannot be avoided through steep slope encroachment because this area creates the only feasible connection to the existing road network to provide adequate access for this project.

4. **The County shall consider reduction in road standards to the maximum extent consistent with public safety considerations.**

   The road requirements were determined based on public safety considerations. Given that the majority of the site will be developed and only a small portion has coastal sage scrub, a reduction in road standards would have limited benefit.

5. **Projects shall be required to comply with applicable design criteria in the County MSCP Subarea Plan, attached hereto as Attachment G (Preserve Design Criteria) and Attachment H (Design Criteria for Linkages and Corridors).**

   Attachments G and H are provided below.

B. Preserve Design Criteria (Attachment G)

In order to ensure the overall goals for the conservation of critical core and linkage areas are met, the findings contained within Attachment G shall be required for all projects located within Pre-Approved Mitigation Areas or areas designated as Preserved as identified on the Subarea Plan Map.

1. **Acknowledge the "no net loss" of wetlands standard that individual projects must meet to satisfy State and Federal wetland goals, policies, and standards, and implement applicable County ordinances with regard to wetland mitigation.**

   There are no wetlands on-site.

2. **Include measures to maximize the habitat structural diversity of conserved habitat areas, including conservation of unique habitats and habitat features.**

Habitat structural diversity will be maximized through off-site mitigation in a BRCA.

3. **Provide for the conservation of spatially representative examples of extensive patches of Coastal sage scrub and other habitat types that were ranked as having high and very high biological value by the MSCP habitat evaluation model.**

   The very high value Coastal sage scrub habitat cannot be avoided because this area creates the only feasible connection to the existing road network to provide adequate access for this project. Extensive patches of Coastal sage scrub and other high value habitats will be conserved through off-site mitigation in a BRCA.

4. **Create significant blocks of habitat to reduce edge effects and maximize the ratio of surface area to the perimeter of conserved habitats. Subsequently, using criteria set out in Chapter 6, Section 6.2.3 of the MSCP Plan, potential impacts from new development on biological resources within the preserve that should be considered in the design of any project include access, non-native predators, non-native species, illumination, drain water (point source), urban runoff (non-point source) and noise.**

   Off-site mitigation in a County-approved mitigation bank designated as a BRCA will create significant blocks of habitat to reduce edge effects and maximize the ratio of surface area to the perimeter of conserved habitats.

5. **Provide incentives for development in the least sensitive habitat areas.**

   The less sensitive non-native grassland and developed habitat areas will be developed as housing pads. The higher value habitat cannot be avoided because this area creates the only feasible connection to the existing road network to provide adequate access for this project.

6. **Minimize impacts to narrow endemic species and avoid impacts to core populations of narrow endemic species.**

   No narrow endemic species or core populations occur on-site.

7. **Preserve the biological integrity of linkages between BRCAs.**

   The site does not provide a linkage between BRCAs. Although the PAMA in the northwestern corner of the property is part of the Lakeside Archipelago, there is only a 300-foot opening of undeveloped habitat connecting the site to the Lakeside Archipelago. Wildlife could potentially enter the property through this corner, but this entrance is largely blocked by the existing single-family home, and there is no outlet in any other direction. The established wildlife corridor for the Lakeside Archipelago crosses the I-8 southwest of the project site.

8. **Achieve the conservation goals for covered species and habitats (refer to Table 3-5 of the MSCP Plan).**

   Habitat-based mitigation in accordance with the BMO will achieve the conservation goals for Coastal sage scrub, non-native grassland, Cooper's hawk, California gnatcatcher, and other covered species potentially found on-site.

C. Design Criteria for Linkages and Corridors (Attachment H)

For project sites located within a regional linkage and/or that support one or more potential local corridors, the following findings shall be required to protect the biological value of these resources:

1. **Habitat linkages as defined by the BMO, rather than just corridors, will be maintained.**

   The northwestern corner of the site is the only part of the site that contributes to a habitat linkage (the Lakeside Archipelago). The remainder of the site is not designated as PAMA, is valued as low or developed habitat value, has been significantly disturbed, is surrounded by development, and is separated from the linkage by the existing single-family home, landscaping and fire clearing. The site does not support linear, topographical and/or vegetative features that might encourage wildlife movement across the site.

   The northwestern corner of the site cannot be avoided because this area creates the only feasible connection to the existing road network to provide adequate access for this project. However, the off-site linkage adjacent to the site will be 2,000 feet following project development, which will support the long-term movement of wildlife and genetic material.

2. **Existing movement corridors within linkages will be identified and maintained.**

   No existing movement corridors were identified on-site.

3. **Corridors with good vegetative and/or topographic cover will be protected.**

   The site does not support corridors with good vegetative and/or topographic cover. The habitat off-site to the west provides a better corridor since there is much more Coastal sage scrub habitat and the topography is aligned north-south past the site, not onto the site.

4. **Regional linkages that accommodate travel for a wide range of wildlife species, especially those linkages that support resident populations of wildlife, will be selected.**

The site does not accommodate a wide range of wildlife species. Only one sensitive species, Cooper's hawk, was observed on-site.

5. **The width of a linkage will be based on the biological information for the target species, the quality of the habitat within and adjacent to the corridor, topography, and adjacent land uses. Where there is limited topographic relief, the corridor must be well vegetated and adequately buffered from adjacent development.**

   The width of the adjacent linkage, following project development, would be 2,000 feet. This is consistent with the existing linkage width immediately north and south of the project site. The linkage is well vegetated and has substantial topographic relief.

6. **If a corridor is relatively long, it must be wide enough for animals to hide in during the day. Generally, wide linkages are better than narrow ones. If narrow corridors are unavoidable, they should be relatively short. If the minimum width of a corridor is 400 feet, it should be no longer than 500 feet. A width of greater than 1,000 feet is recommended for large mammals and birds. Corridors for bobcats, deer, and other large animals should reach rim-to-rim along drainages, especially if the topography is steep.**

   The width of the adjacent linkage, following project development, would be 2,000 feet, double the recommended width.

7. **Visual continuity (i.e., long lines-of-site) will be provided within movement corridors. This makes it more likely that animals will keep moving through it. Developments along the rim of a canyon used as a corridor should be set back from the canyon rim and screened to minimize their visual impact.**

   The visual continuity off-site to the west is better than on-site. The proposed road connecting to Wellington Hill Drive will form the boundary between the project and the adjacent movement corridors. Most of the road is proposed below existing grade, so it will not be visible from the adjacent corridor. The current project is strictly a tentative map and rezone; therefore, specific landscaping has not yet been proposed. However, the Rezone includes a "B" designator which would require a site plan to be submitted as a future discretionary action. In addition, the Grading Ordinance requires cut and fill slopes to be revegetated.

8. **Corridors with low levels of human disturbance, especially at night, will be selected. This includes maintaining low noise levels and limiting artificial lighting.**

Levels of human disturbance are lower in the adjacent linkage area than on-site. The current project is strictly a tentative map and rezone; therefore, specific design features or lighting have not yet been proposed. However, the Rezone includes a "B" designator which would require a site plan to be submitted as a future discretionary action. The proposed road connecting to Wellington Hill Drive will form the boundary between the project and the adjacent movement corridors. Most of the road is proposed below existing grade, so car headlights along the road will not shine into the adjacent corridor. The road knuckle at the connection to Wellington Hill Drive is above grade and headlights will shine over, not into, the lower elevation wildlife habitat. In addition, the County's noise and light ordinances limit the amount of noise and light that can cross property lines.

9. **Barriers, such as roads, will be minimized. Roads that cross corridors should have ten foot high fencing that channels wildlife to underpasses located away from interchanges. The length-to-width ratio for wildlife underpasses is less than 2, although this restriction can be relaxed for underpasses with a height of greater than 30 feet.**

   The proposed road runs parallel to the adjacent wildlife corridor, not across it.

10. **Where possible at wildlife crossings, road bridges for vehicular traffic rather than tunnels for wildlife use will be employed. Box culverts will only be used when they can achieve the wildlife crossing/movement goals for a specific location. Crossings will be designed as follows: sound insulation materials will be provided; the substrate will be left in a natural condition, and vegetated with native vegetation if possible; a line-of-site to the other end will be provided; and if necessary, low-level illumination will be installed in the tunnel.**

    The proposed road runs parallel to the adjacent wildlife corridor, not across it.

11. **If continuous corridors do not exist, archipelago (or stepping-stone) corridors may be used for short distances. For example, the gnatcatcher may use disjunct patches of sage scrub for dispersal if the distance involved is less than 1-2 miles.**

    The Lakeside Archipelago is an archipelago corridor.

IV. Subarea Plan Findings

Conformance with the objectives of the County Subarea Plan is demonstrated by the following findings:

1. **The project will not conflict with the no-net-loss-of-wetlands standard in satisfying State and Federal wetland goals and policies.**

The project will not conflict with the no-net-loss-of-wetlands standard because there are no wetlands on-site.

2. **The project includes measures to maximize the habitat structural diversity of conserved habitat areas including conservation of unique habitats and habitat features.**

   Habitat structural diversity will be maximized through off-site mitigation in a BRCA.

3. **The project provides for conservation of spatially representative examples of extensive patches of Coastal sage scrub and other habitat types that were ranked as having high and very high biological values by the MSCP habitat evaluation model.**

   The Coastal sage scrub habitat on-site cannot be avoided because this area creates the only feasible connection to the existing road network to provide adequate access for this project. No other habitat on-site was ranked as having high or very high biological values by the MSCP habitat evaluation model. Extensive patches of Coastal sage scrub and other high value habitats will be conserved through off-site mitigation in a BRCA.

4. **The project provides for the creation of significant blocks of habitat to reduce edge effects and maximize the ratio of surface area to the perimeter of conserved habitats.**

   Off-site mitigation in a County-approved mitigation bank designated as a BRCA will create significant blocks of habitat to reduce edge effects and maximize the ratio of surface area to the perimeter of conserved habitats.

5. **The project provides for the development of the least sensitive habitat areas.**

   The less sensitive non-native grassland and developed habitat areas will be developed as housing pads. The higher value habitat cannot be avoided because this area creates the only feasible connection to the existing road network to provide adequate access for this project.

6. **The project provides for the conservation of key regional populations of covered species, and representations of sensitive habitats and their geographic sub-associations in biologically functioning units.**

   No key regional populations of covered species occur on-site.

7. **Conserves large interconnecting blocks of habitat that contribute to the preservation of wide-ranging species such as Mule deer, Golden eagle, and predators as appropriate. Special emphasis will be placed on conserving adequate foraging habitat near Golden eagle nest sites.**

The site does not contribute to the preservation of wide-ranging species such as Mule deer, Golden eagle, and predators. The large block of habitat adjacent to the west will be left essentially intact with a width of 2,000 feet following project development. In addition, off-site mitigation in a BRCA will conserve large interconnecting blocks of habitat that contribute to the preservation of wide-ranging species.

8. **All projects within the San Diego County Subarea Plan shall conserve identified critical populations and narrow endemics to the levels specified in the Subarea Plan. These levels are generally no impact to the critical populations and no more than 20 percent loss of narrow endemics and specified rare and endangered plants.**

   No identified critical populations or narrow endemics occur on-site.

9. **No project shall be approved which will jeopardize the possible or probable assembly of a preserve system within the Subarea Plan.**

   The project will not jeopardize the possible or probable assembly of a preserve system within the Subarea Plan. The Lakeside Archipelago linkage area adjacent to the west will be left essentially intact with a width of 2,000 feet following project development. The established wildlife corridor in the area crosses the I-8 southwest of the project site.

10. **All projects that propose to count on-site preservation toward their mitigation responsibility must include provisions to reduce edge effects.**

    The project does not propose on-site preservation.

11. **Every effort has been made to avoid impacts to BRCAs, to sensitive resources, and to specific sensitive species as defined in the BMO.**

    The 21.89 acre site is largely covered by non-native grassland (18.21 acres) but also includes 1.69 acres of Coastal sage scrub and 1.99 acres of developed habitat. Noticeable contour lines on the aerial photograph show that the non-native grassland has been plowed and/or terraced before. The site is in the Metro-Lakeside-Jamul segment of the MSCP, and the northwestern corner of the property is designated as Pre-Approved Mitigation Area (PAMA), therefore qualifying the site as a BRCA. Although the California gnatcatcher has not been observed on-site, it has been observed on the adjacent property, and is assumed to occur on-site. One other sensitive species, the Cooper's hawk, was observed on-site.

    The site does not support wildlife corridors due to its surroundings of dense residential development. Although the PAMA in the northwestern corner of the property is part of the Lakeside Archipelago, there is only a 300-foot opening of undeveloped habitat connecting the site to the Lakeside Archipelago. Wildlife could potentially enter the property through this corner, but this entrance is largely blocked

by the existing single-family home, and there is no outlet in any other direction. The established wildlife corridor for the Lakeside Archipelago crosses the I-8 southwest of the project site.

The entire site is proposed to be impacted. The sensitive Coastal sage scrub habitat cannot be avoided because this area creates the only feasible connection to the existing road network to provide adequate access for this project. Habitat-based mitigation in conformance with the BMO will mitigate for impacts to Coastal sage scrub, non-native grassland, California gnatcatcher, Cooper's hawk, and other sensitive species with a potential to occur on-site. Impacts to 2.16 acres of Coastal sage scrub will be mitigated at a 1.5:1 ratio with 3.24 acres of Tier I or II habitat and impacts to 20.04 acres of non-native grassland will be mitigated at a 0.5:1 ratio with 10.02 acres of Tier III habitat in Crestridge Mitigation Bank or another County-approved mitigation bank within the approved MSCP. In addition, all brushing, grading, and clearing of Coastal sage scrub or within 300 feet of Coastal sage scrub habitat will be conditioned to occur outside of the California gnatcatcher breeding season, March 1 to August 31. With these mitigation measures, the impact on biological resources is less than significant.

Beth Ehsan, Department of Planning and Land Use

April 17, 2009

MSCP Designations For
Settler's Point
TM 5423, ER 05-14-009